

Marc A. Levinson (California Bar No. 57613)
 Jeffery D. Hermann (California Bar No. 90445)
 ORRICK, HERRINGTON & SUTCLIFFE LLP
 400 Capitol Mall, Suite 3000
 Sacramento, California 95814-4497
 Telephone: (916) 447-9200
 Facsimile: (916) 329-4900
 Email: malevinson@orrick.com
 jhermann@orrick.com

Robert R. Kinas (Nevada Bar No. 6019)
 Claire Y. Dossier (Nevada Bar No. 10030)
 SNELL & WILMER LLP
 3883 Howard Hughes Parkway, Suite 1100
 Las Vegas, Nevada 89169
 Telephone: (702) 784-5200
 Fax: (702) 784-5252
 Email: rkinas@swlaw.com
 cdossier@swlaw.com

ATTORNEYS FOR USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:
 USA COMMERCIAL MORTGAGE COMPANY,
 Debtor.

In re:
 USA CAPITAL REALTY ADVISORS, LLC,
 Debtor.

In re:
 USA CAPITAL DIVERSIFIED TRUST DEED
 FUND, LLC,
 Debtor.

In re:
 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 Debtor.

In re:
 USA SECURITIES, LLC,
 Debtor.

Affects:

- ☐ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☒ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA First Trust Deed Fund, LLC

Case No. BK-S-06-10725 LBR
 Case No. BK-S-06-10726 LBR
 Case No. BK-S-06-10727 LBR
 Case No. BK-S-06-10728 LBR
 Case No. BK-S-06-10729 LBR

Chapter 11

Jointly Administered Under
 Case No. BK-S-06-10725-LBR

**EX PARTE APPLICATION FOR
 ORDER REQUIRING RUSSELL
 A D DEVELOPMENT GROUP,
 LLC TO PRODUCE ONE OR
 MORE REPRESENTATIVES FOR
 EXAMINATION PURSUANT TO
 FEDERAL RULE OF
 BANKRUPTCY PROCEDURE 2004**

Pursuant to Federal Rule of Bankruptcy Procedure 2004, USA Capital Diversified Trust Deed Fund, LLC ("DTDF") hereby applies to this Court for an order requiring Russell A D Development Group, LLC ("Russell A D") to produce one or more representatives, as set forth in the subpoena to be issued under Federal Rule of Bankruptcy Procedure 9016, for examination at

1 the offices of FTI Consulting, Inc., One Renaissance Square, Two North Central Avenue, Suite
2 1200, Phoenix, AZ 85004-2322, on a business day no earlier than ten (10) business days after the
3 filing of this Application and no later than April 4, 2008 (or at such other mutually agreeable
4 location, date and time) and continuing from day to day thereafter until completed.

5 This Application is further explained in the following Memorandum.

6 **Memorandum**

7 DTDF seeks information concerning transactions and other dealings between Russell A D
8 and DTDF, the other debtors in the above-captioned cases (together with DTDF, the "Debtors"),
9 and the Debtors' affiliates, subsidiaries, parents, or otherwise related entities. DTDF seeks this
10 information to assist in the collection of the assets and the investigation of the liabilities of the
11 Debtors.

12 The requested discovery from Russell A D is well within the scope of examination
13 permitted under Bankruptcy Rule 2004(b), which includes:

14 [t]he acts, conduct, or property or ... the liabilities and financial condition of the
15 debtor, or ... any matter which may affect the administration of the debtor's
16 estate, or to the debtor's right to a discharge. In a ... reorganization case under
17 chapter 11 of the Code, ... the examination may also relate to the operation of any
18 business and the desirability of its continuance, the source of any money or
property acquired or to be acquired by the debtor for purposes of consummating a
plan and the consideration given or offered therefore, and any other matter
relevant to the case or to the formulation of a plan.

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

Conclusion

Accordingly, DTDF requests this Court to enter the form of order submitted with this Application.

Dated this 7th day of March, 2008.

SNELL & WILMER LLP

By: 

Robert R. Kinas (Nevada Bar No. 6019)
Claire Y. Dossier (Nevada Bar No. 10030)
3883 Howard Hughes Parkway, Suite 1100
Las Vegas, NV 89169
Telephone: (702) 784-5200

Marc A. Levinson (California Bar No. 57613)
Jeffery D. Hermann (California Bar No. 904445)
ORRICK, HERRINGTON & SUTCLIFFE LLP
400 Capital Mall, Suite 3000
Sacramento, CA 95814-4497

*Attorneys for USA Capital Diversified Trust Deed Fund,
LLC*

Snell & Wilmer

LLP
LAW OFFICES
3883 HOWARD HUGHES PARKWAY, SUITE 1100
LAS VEGAS, NEVADA 89169
(702) 784-5200